



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE CONFERENCE of the NATIONAL
ASSOCIATION for the ADVANCEMENT of
COLORED PEOPLE, on behalf of itself and its
members, et al.,

Plaintiffs,

v.

WILLIAM LEE, in his official capacity as
Governor of the State of Tennessee, et al.,

Defendants.

Civil No. 3:20-cv-01039

JUDGE CAMPBELL
MAGISTRATE JUDGE FRENSLEY

[Class Action]

JOINT MOTION TO AMEND SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b)(4), the parties respectfully move this court for entry of this proposed Fifth Scheduling Order and to extend the deadline for Plaintiffs' Motion for Summary Judgement.

1. Counsel for the parties have conferred and agreed to the terms of the changes to the Fourth Amended Scheduling Order (ECF No. 140).

2. The earliest deadline impacted by the change is the deadline for the dispositive motions, which is currently set at July 26, 2023, seven days from the filing of this motion.

3. A complete amended scheduling order is as follows and includes all dates and deadlines:

DISPOSITIVE MOTIONS: Dispositive motions shall be filed no later than **August 2, 2023** (previously July 26, 2023). Responses to dispositive motions will be filed 21 days after filing of the motion, resulting in a response deadline of August 23, 2023. The parties stipulate to a shortened deadline of seven days for replies under LR 56.01(d) instead of the

standard deadline of fourteen days. Thus, replies under LR 56.01(d) will be due August 30, 2023.

ESTIMATED TRIAL TIME AND TRIAL DATE: The Bench trial of this action is expected to last approximately 7 days. The trial has been set for **November 28, 2023**.

4. The new schedule conforms to the requirements of Local Rule 16.01(h)(1) that no dispositive motion deadline shall be later than 90 days in advance of the trial date.

5. Good cause exists to modify the deadlines, as required by Fed. R. Civ. P. 16(b)(4). The parties do not move for this Amended Scheduling Order in order to cause delay or for any improper purpose. Since June 8, 2023, the parties have engaged in regular, productive conversations with the aim of resolving some or all of the claims in this case. At that time, neither party anticipated filing motions for summary judgment on claims 1 – 3. Both parties anticipated filing motions on summary judgment on the remaining claims, absent a negotiated resolution on those claims. It has become clear that the parties will not reach an agreement on Plaintiffs' claims before the dispositive deadline. Since early June, both parties have focused their time and attention on these negotiations, believing that a resolution would be reached, avoiding the need for dispositive motions. Now, since it appears that a settlement will not be reached by the deadline, both parties need a brief extension to complete their motions for summary judgment. Since the parties will be cross-moving on some of the claims, shortening the period for reply is acceptable and will not impact the quality of the briefing.

6. Except for the modifications provided in an order granting this proposed modification to the scheduling order, all other provisions of previous case management and scheduling orders remain in full force and affect.

7. For the foregoing reasons, Plaintiffs seek to amend the Fourth Amended Scheduling Order and to continue the deadlines as described above.

Respectfully submitted,

/s/ Blair Bowie

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